## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	)
	Plaintiff,	) 8:08MJ185 ) 8:08CR285
	vs.	) DETENTION ORDER
RIC	CHARD R. CONWAY, JR.,	
	Defendant.	}
A.	Order For Detention After waiving a detention hearing pursuant Act on October 7, 2008, the Court order pursuant to 18 U.S.C. § 3142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform lers the above-named defendant detained
B.	conditions will reasonably assure th  X By clear and convincing evidence the	
C.	contained in the Pretrial Services Report,  X (1) Nature and circumstances of to the crime: a conspirate distribute marihuana in 8:08MJ185) and the position of 18 U.S.C. § sentence of ten years in the crime (b) The offense is a crime (c) The offense involves a constant of the constant of the crime (c) The offense involves a crime (c) The offense involves a constant of the crime (c) The offense involves a constant of the crime (c) The offense involves a constant of the crime (c) The offense involves a constant of the crime (c) The crime (c) The crime (c) The crime: a conspirate (c) Th	the offense charged: acy to distribute and possess with intent to a violation of 21 U.S.C. § 846 (Complaint in assession of a firearm by a convicted felon in 922(g) (Count I of 8:08CR285) each carry a amprisonment. of violence.
	may affect when The defendant X The defendant X The defendant X The defendant The defendant ties.    X	t appears to have a mental condition which ether the defendant will appear. It has no family ties in the area. It has no steady employment. It has no substantial financial resources. It is not a long time resident of the community. It does not have any significant community of the defendant:  It has a history relating to drug abuse. It has a history relating to alcohol abuse. It has a significant prior criminal record. It has a prior record of failure to appear at

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(c)	Parole Release pending trial, sentence, appeal or completion of sentence.  Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
release	ature and seriousness of the danger posed by the defendant's are as follows: The nature of the charges in the Indictment and the lant's criminal history.
In dete on the f which t <u>X</u> (a)	rmining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted:  That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:  X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.  C) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from
 persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 8, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge